

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31519 of 2016

Arising Out of PS.Case No. -1137 Year- 2013 Thana -COMPLAINT CASE District- BANKA

=====

Vishnu Mohali @ Mohti @ Bishnu Maholi son of Pankaj Maholi resident of Village- Amra, Kanoli, P.S. Poraiya Hat, District- Godda (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi wife of Bishnu Maholi, resident of Village- Amra, Kanoli, P.S. Poraiya Hat, District- Godda (Jharkhand).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

07/ 20-02-2017

Heard learned counsels for the petitioner, State and the complainant-opposite party no. 2.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

On submission of learned counsel for the petitioner that, though, the petitioner admits his marriage with the complainant but the petitioner has performed second marriage and



the complainant has also performed second marriage, notices were issued to the complainant vide order dated 03.10 2016.

It is submitted by learned counsel for the petitioner that, at present, he has no instruction since the petitioner is not appearing since last several occasions.

However, counsel for the complainant-opposite party no. 2 submits that the complainant has not performed second marriage and is ready to resume the conjugal life in spite of the fact that the petitioner has performed second marriage.

In view of the submission of the learned counsel for the petitioner that he has no instruction, this application is dismissed.

Let the order be transmitted to the court of learned Sub-divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1137 of 2013.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

